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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,063	10/06/2000	Tsunetake Noma	202708US6	2851

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EXAMINER

LEE, PHILIP C

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 12/18/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application

09/684,063

Applicant(s)

NOMA, TSUNETAKE

Examiner

Philip C Lee

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 09 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-9 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

Claim Rejections – 35 USC 112

3. Claims 1-5 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. The following terms lack proper antecedent basis:
 - i. the same group – claims 1 and 3-5.
 - ii. the other information processing apparatus – claim 3.
 - iii. the processing – claims 4 and 5.

- b. Claim language in the following claims is not clearly understood:
 - i. As per claims 2 and 3, line 1, it is uncertain if “A service providing apparatus” refers to “ A service providing apparatus” in claim 1, line 1 [i.e. if they are the same then “The service providing apparatus” must be used.].
 - ii. As per claim 7, line 1, it is unclear if “An information processing apparatus” refers to “An information processing apparatus” in claim 6, line 1 [i.e. if they are the same then “ The information processing apparatus” must be used.].

Claim Rejections – 35 USC 102

- 4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Agraharam et al, U.S. Patent 5,956,482 (hereinafter Agraharam).

6. As per claims 1 and 4-5, Agraharam taught the invention as claimed for providing a service to a plurality of information processing apparatus on a network (abstract), comprising:
storage means for storing a group to which some of the information processing apparatus belong (col. 4, lines 66-col. 5, lines 10; col. 5, lines 57-col. 6, lines 3);
reception means for receiving request information transmitted from any of the information processing apparatus (col.3, lines 65-col. 4, lines 2; col. 4, lines 11-44);
acquisition means for acquiring data coordinated with the request information (col. 4, lines 45-59); and
communication means for transmitting the data acquired by said acquisition means simultaneously to those of the information processing apparatus which belong to the same group (col. 4, lines 59-col. 5, lines 10).

7. As per claim 2, Agraharam taught the invention as claimed in claim 1 above. Agraharam further taught wherein the data are music data, and the request information includes a tune of particular music data (col. 2, lines 58-63; col. 3, lines 60-64).

8. As per claim 3, Agraharam taught the invention as claimed in claim 1 above. Agraharam further taught comprising transmission means for receiving text data transmitted from any of the information processing apparatus and transmitting the text data to the other information

processing apparatus which belong to the same group (col. 2, lines 58-63; col. 4, lines 66-col. 5, lines 10).

9. As per claims 6 and 8-9, Agraharam taught the invention as claimed for accessing a service providing apparatus, which provides services on a network, together with other information processing apparatus on the same network and enjoying the services of the service providing apparatus (abstract), comprising:

inputting means for inputting access information for accessing the service providing apparatus (col. 5, lines 40-45);

display control means for controlling display of contents of the services transmitted from the service providing apparatus (col. 6, lines 4-23);

requesting means for selecting a predetermined service from among the services and requesting the service providing apparatus for transmission of the selected service to said information processing apparatus and the other information processing apparatus (col. 3, lines 65-col. 4, lines 2; col. 4, lines 11-44; col. 4, lines 59-col. 5, lines 10)

reception means for receiving data transmitted from the service providing apparatus (col.4, lines 66-col. 5, lines 3); and

reproduction means for reproducing the data (col. 4, lines 59-65).

10. As per claim 7, Agraharam taught the invention as claimed in claim 6 above. Agraharam further taught wherein the services are table information of the data to be provided from the service providing apparatus, and the data are music data (col. 2, lines 58-63; col. 3, lines 60-64).

CONCLUSION

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Curtis et al, U.S. Patent 6,560,707, disclosed a system for users to visually and audibly communicate with each other in real time.

Moller et al, U.S. Patent 6,598,074, disclosed a system for sharing and reproducing multimedia data among users over a network.

Neumann et al, U.S. Patent 6,175,872, disclosed a system for musicians at remote locations to play and hear the other musician, in real time as they play.

England, U.S. Patent 6,144,991, disclosed a system for a plurality of clients simultaneously interacting with a specialist and each other.

12. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (703)305-7721. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng Ai An can be reached on (703)305-9678. The fax phone number for the organization where this application or proceeding is assigned is (703)746-7239.

15. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)350-6121.

P.L.


ZARNI MAUNG
PRIMARY EXAMINER